

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

MELVIN OMAR VALEZ-SANTOS
Reg. #32316-069

PETITIONER

v.

No. 2:14-cv-105-DPM-BD

**C. V. RIVERA, Warden, Federal Correctional
Complex, Forrest City, Low**

RESPONDENT

ORDER

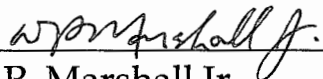
Valez-Santos moves to set aside this Court's Judgment entered several months ago. He says he didn't get a copy, and thus lost the right to appeal. *No. 21*. Valez-Santos's mail problems are curious. He seems to get copies of most things the Court mails to him but not everything.

The Court declines to vacate its second Judgment. But the Court construes Valez-Santos's latest filing, *No. 23*, as a motion to reopen the time for appeal, FED. R. APP. P. 4(a)(6), which is granted for good cause. The Court is skeptical about the mailing problem; but it is better to err on the side of preserving a litigant's right to seek an appeal. Valez-Santos has until 12 June 2015 to file a notice of appeal.

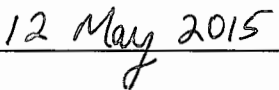
On the merits, the Court declines to issue a certificate of appealability, though. Valez-Santos hasn't made a substantial showing that his

constitutional rights were denied. 28 U.S.C.A. § 2253(c)(1)-(2). As the Court has explained, *No. 19*, Magistrate Judge Deere had authority to make recommendations in this case.

So Ordered.



D.P. Marshall Jr.
United States District Judge



12 May 2015